

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
December 13, 2017

The Highland Board of Zoning Appeals met on December 13, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Martini.

ROLL CALL: Present Mr. Helms, Mr. Martini, Mr. Leep and Mrs. Murovic. Also present Attorney Rhett Tauber, Building Commissioner Mr. Ken Mika and Town Council Liaison Mr. Steve Wagner. Mr. Grzynski was absent.

MINUTES: The minutes of the October 25, 2017 were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be January 24, 2018 at 6:30 p.m.

Old Business: Approval of Findings of Fact for Jill Palmer, 3348 Jewett Ave., requesting a variance to install a fence beyond build line. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit. Mr. Martini motioned to approve the Findings of Fact. Mr. Helms seconded and it unanimously passed with a roll call vote of 4-0.

New Business: Preliminary Hearing for Brenda Evett, 3134 99th St., Highland, IN requesting a variance to move fence beyond build line. Property is on a corner. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the

yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit.

Ms. Evett introduced herself. She distributed photos and Google maps of her property and photos of other properties with fences near her house.

Ms. Evett said she hired All Type Fence to replace the wood fence she already has and that All Type Fence permit request was rejected. She states she has ordered and paid for vinyl fence panels, which are still sitting in a warehouse and will stay there until she knows what her next step can be. She said her fence is horrible looking and her neighbors don't want to look at the fence any more.

Mr. Martini asked Ms. Evett if her new fence was similar to her neighbor's. She said yes and referenced the pictures of her neighbor's fences.

Mrs. Murovic asked Ms. Evett how long her current fence has been up and Ms. Evett replied for years. Ms. Evett also mentioned her fence is breaking apart.

Mr. Helms mentioned that usually fences are not allowed along the sidewalk for visual issues, but Mr. Helms commented that Ms. Evett already has a fence up and referenced her neighbor's fences that are also along their sidewalks. Mr. Helms also mentioned Ms. Evett's pool and asked Mr. Mika if a fence is required if a property has a pool and Mr. Mika replied yes.

Mr. Martini motioned to grant the Public Hearing. Mr. Helms seconded and unanimously passed with a roll call vote of 4-0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Martini Second: Unanimous Time: 6:40